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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,666	07/11/2001	Masayuki Fujisawa	1248-0546P	7833

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EXAMINER	
CHEN, CHONGSHAN	
ART UNIT	**PAPER NUMBER**
2172	4

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,666	FUJISAWA, MASAYUKI	
	Examiner	Art Unit	
	Chongshan Chen	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 5 January 2004 have been fully considered but they are not persuasive.

2. As per applicant's arguments regarding "the system in Ludtke replies on an intermediary device, i.e., the proxy device, to store information and to detect when the devices are on-line. In addition, Ludtke fails to teach that the requesting device and the proxy device are used as a single device" have been considered but are not persuasive. The applicant does not explicitly disclose the data communication apparatus does not use a proxy device; therefore, the data communication apparatus can be a proxy device since the proxy device is a computer in a network which obviously has capability to schedule and process requests. Furthermore, Ludtke discloses a single apparatus schedules and processes requests without using a proxy device (Ludtke, col. 2, lines 11-19).

3. As per applicant's arguments regarding "Ludtke states that prior art devices cannot establish requests for services while one or more servicing queues are off-line" have been considered but are not persuasive. The quoted section by the applicant is only part of the background of the art. In other part of the disclosure, Ludtke discloses a request device which generates and stores requests in off-line operation within itself without the help of a proxy device (Ludtke, col. 2, lines 11-19, "while the servicing device is off-line, requesting devices and other devices in the AV network must continue to store their requests and the associated data until the

servicing device goes on-line again"). The requesting device does not need to be on-line with server or a proxy device in order to generate and store requests.

4. As per applicant's arguments regarding Okazaki does not teach a timing for connecting the data communication apparatus to the network to establish on-line operation have been considered but are not persuasive. Okazaki teaches request and transmit data through web at a specified time. It is well known to one of ordinary skill in the art that the connection between a requesting device and server is broken after transferring the requested hypertext data in a HTTP server. Therefore, the time of transferring data is also a time to connect the receiving device to the network to establish on-line operation so that the requested hypertext data can be transmitted to the receiving device at the specified time.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the off-line schedule generating and storing means into the information transmitting system of Okazaki so that the system can generate and store request while off-line. This saves the user from the burden of must connect the device online when generate request. It is more convenient for the user to schedule request without caring about the online offline restriction.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. ("Okazaki", JP 11-212995) in view of Ludtke et al. ("Ludtke", 6,434,596).

As per claim 1, Okazaki teaches a data communication apparatus, which utilizes hypertext data stored in a server apparatus via a network, comprising:

schedule processing means for processing the request for obtaining the hypertext data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teaches generating and storing schedule data based on a request for obtaining the hypertext data which occurs in **off-line** operation in which the data communication apparatus is not connected to the network. Ludtke teaches generating and storing schedule data based on a request for obtaining the hypertext data which occurs in off-line operation in which the data communication apparatus is not connected to the network (Ludtke, col. 2, lines 11-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing

device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

As per claim 2, Okazaki and Ludtke teach all the claimed subject matters as discussed in claim 1, and further teach

clocking means which detects present time and date (Okazaki, page 4, [0012], [0016], [0023]); and

connection control means which connects the data communication apparatus to the network to establish on-line operation at predetermined time and date in accordance with the time and date detected by the clocking means (Okazaki, page 4, [0023]).

As per claim 3, Okazaki and Ludtke teach all the claimed subject matters as discussed in claim 1, and further teach set time and date of connection for each schedule data (Okazaki, page 4, [0012], [0016], [0023]).

As per claim 4, Okazaki teaches the data communication apparatus as set forth in claim 1, comprising:

data storing means for storing the hypertext data obtained from the server apparatus (Okazaki, Fig. 1, page 5, [0034]);

data reading out means for reading out the hypertext data stored in the data storing means (Okazaki, page 5, [0034]); and

data display means for displaying the hypertext data read out by the data reading out means (Okazaki, page 5, [0034]).

Okazaki does not teach wherein the hypertext data, which was requested to be obtained in the off-line operation is linked with hypertext data which is displayed by the data display means

in the off-line operation. Ludtke teaches the data was requested to be obtained in the off-line operation (Ludtke, col. 3, lines 26-45).

As per claim 5, Okazaki teaches a data communication apparatus, which utilizes hypertext data stored in a server apparatus via a network comprising:

schedule processing means for processing the request for transmitting the data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teach schedule generating means for generating and storing schedule data based on a request for transmitting the data to the server apparatus which occurs in off-line operation in which the data communication apparatus is not connected to the network. Ludtke teaches generating and storing schedule data based on a request for transmitting the data to the server apparatus which occurs in off-line operation in which the data communication apparatus is not connected to the network (Ludtke, col. 2, lines 11-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

Claims 6-7 are rejected on grounds corresponding to the reasons given above for claims 2-3.

Claims 8-10 are rejected on grounds corresponding to the reasons given above for claims 1-3.

Claim 11 is rejected on grounds corresponding to the reasons given above for claim 5.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 2-3.

As per claim 14, Okazaki teaches a data communication program executable to operate a computer as:

schedule processing means for processing the request for obtaining the hypertext data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teach schedule generating means, for generating and storing schedule data, based on a request for obtaining the hypertext data which occurs in off-line operation in which a data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network. Ludtke teaches schedule generating means, for generating and storing schedule data, based on a request for obtaining the hypertext data which occurs in off-line operation in which a data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network (Ludtke, col. 3, lines 26-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

Claim 15 is rejected on grounds corresponding to the reasons given above for claim 2.

As per claim 16, Okazaki teaches a data communication program executable to operate a computer as:

schedule processing means for processing the request for transmitting the data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teach schedule generating means, for generating and storing schedule data, based on a request for transmitting data to the server apparatus which occurs in off-line operation in which the data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network. Ludtke teaches schedule generating means, for generating and storing schedule data, based on a request for transmitting data to the server apparatus which occurs in off-line operation in which the data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network (Ludtke, col. 3, lines 26-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

Claim 17 is rejected on grounds corresponding to the reasons given above for claim 2.

Claim 18 is rejected on grounds corresponding to the reasons given above for claim 14.

Claim 19 is rejected on grounds corresponding to the reasons given above for claim 16.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang et al. (6,134,584) disclose a method for accessing and retrieving information from a source maintained by a network server.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is 703-305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 16, 2004

SHAHID ALAM
PRIMARY EXAMINER